

Official Form 417A (2/15)

FILED

IN THE UNITED STATES BANKRUPTCY COURT

NOV 28 2016
Clerk, U.S. Courts
District Of Montana
Billings Division

DISTRICT OF MONTANA

NOTICE OF APPEAL AND STATEMENT OF ELECTION**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): Eric Richard Morrow, Debtor
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal: Bankruptcy No. 16-60896-RBK, APPEAL THE ORDER TO MODIFY STAY.

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order to Modify Stay
2. State the date on which the judgment, order, or decree was entered: November 15th, 2016
3. Debtor never received notice addressed to himself, or his deceased wife, Holly Morrow. On November 21, 2016, the motion was read over the phone to Lisa Woodward, Eric's girlfriend, by Ross Richardson, who stated that he is not representing Eric, and any references made to that nature were made in error.
4. Debtor believed Mr. Richardson had been appointed as his representation, and had no reason to believe the stay could be removed from the house he lives in with his 6 children. In fact, Eric submitted HARP applications to the USDA in an additional effort to save the home on Novermber 18, 2016. Eric still has not received any communication from USDA RD in well over a year. The primary motivation for filing bankruptcy is saving the home for his 6 children.
5. Today, November 28th, 2016, Lisa Woodward was contacted by Kim Maines, USDA RD Representative, in a voicemail she read an email from Mark Noennig verbatim, "I mailed notice to Eric & Holly on the 27th, his attorney also recieved the notice." Debtor states he never received notice, or he would have filed an objection immediately. Also, if Eric Morrow is allowed a court appointed attorney to assist him with future proceedings, he would gratefully accept representation.

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Ross Richardson, (named debtor's attorney) 116 W Granite St Butte, Montana 59701 (406) 723-3219
2. Party: Joseph Womack, Trustee 303 N BROADWAY STE 805 BILLINGS, MT 59101 (406) 252-7200
3. Party: Hendrickson Law Firm, PC 208 NORTH BROADWAY, SUITE 324 P.O. Box 2502 Billings, MT 59103 (406) 294-6649

By: **Eric R. Morrow**
810 W 12th St.
Laurel, MT 59044
(406) 281-1821

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

- Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below



Signature of attorney for appellant(s) (or appellant(s) if not represented by an attorney)

Date: 11/25/2016

Eric R. Morrow

810 W 12th St Laurel, MT 59044

(406) 281-1821

ericrm@live.com

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In re

ERIC RICHARD MORROW,

Case No. 16-60896-7

Debtor.

O R D E R

At Butte this 15th day of November, 2016.

In this Chapter 7 case a Motion to Modify Stay was filed on October 27, 2016, by USDA–Rural Development ("USDA"), including the notice of opportunity for hearing required under the Mont. LBR 4001-1(a) and LBF 8 giving parties fourteen (14) days to respond and providing that failure to respond by any entity will be deemed an admission that the Motion should be granted without further notice or hearing. The Motion was served on the Debtor, Trustee, and U.S. Trustee. The 14-day period has expired and no objection and request for hearing has been filed. In accordance with the Notice provision attached to Movant's Motion, the failure by any other party to respond is deemed an admission that the Movant's Motion should be granted without further notice or hearing. Accordingly,

IT IS ORDERED USDA's Motion to Modify Stay, filed on October 27, 2016, is **GRANTED**; the stay is modified and USDA is authorized to seek recovery, foreclosure and liquidation of its security interest in real property located at 810 West 12th Street, Laurel, MT 59044, and legally described as:

Lot 28, Block 6 of the Cherry Hill Subdivision, in the City of

Laurel, according to the official plat on file and of the record in the office of the Clerk & Recorder of Yellowstone County, Montana under Document No. 1031253,

in accordance with applicable nonbankruptcy law and the terms of USDA's Motion (Document No. 34); and this Order is effective immediately, not stayed for fourteen days under F.R.B.P. 4001(a)(3).


Honorable Ralph B. Kirscher
Chief U.S. Bankruptcy Judge